

REMARKS

This paper is responsive to a Non-Final Office Action dated April 29, 2004. Claims 2-15, 17-35, 37-49 and 51-60 were examined. Claims 2-15, 17-35, 37-49, and 51-60 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 2-4, 6-11, 25-32, and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,148 to Calvignac et al. Claims 5 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of U.S. Patent No. 4,648,029 to Cooper et al. Claims 12-15, 17-24, 35, 37-49, and 51-50 are indicated as including allowable subject matter.

Information Disclosure Statement

Applicants respectfully request the Examiner to consider references AR-AT cited on pages 1-3, and 5 of the Information Disclosure Statement form 1449 dated September 7, 2000, and return an initialed copy of the form 1449. Copies of these references were submitted with the form 1449, and received by the USPTO as indicated by the return postcard dated, September 12, 2000, a copy of which is being submitted herewith. However, for the Examiner's convenience additional copies of these references and a copy of the Form 1449 filed on September 7, 2000 are provided with this communication.

Specification

The specification has been amended to change "arbiter 201" to --arbiter 206--.

Figures

Figure 2 has been amended to label arbiter 206, consistent with the specification.

Rejections Under 35 U.S.C § 112, second paragraph

Claims 2-15, 17-35, 37-49, and 51-60 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The preambles of claims 2, 12, 17, have been amended to clarify these claims. Claims 6, 8, and 10 have been amended to be consistent with amended claim 2.

Regarding claims 2, 12, 17, 35, 40, and 56, the Office Action states that “[i]t is unclear whether the number of requests is for a single resource or for the number of requests made by each of the requesters for different resources.” Applicants respectfully maintain that the limitations requiring that respective requester priorities be inversely related to a number of requests made respectively, by the requesters, satisfies the requirements of 35 U.S.C. § 112, second paragraph.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

See MPEP § 2173.02. Applicants respectfully maintain that claims 2, 12, 17, 35, 40, and 56 meet this requirement. The Examiner has correctly identified an embodiment that the claims read on, however, the claims are not limited to that embodiment. “Breadth of a claim is not to be equated with indefiniteness.” See MPEP § 2173.04. Accordingly, Applicants respectfully request that the rejection of claims 2, 12, 17, 35, 40, and 56, and all claims dependent thereon be withdrawn.

Claim 56 has been amended to clarify the limitations of the claim.

Regarding claim 58, Applicants respectfully submit that claim 58 meets all requirements under 35 U.S.C. § 112 and refer the Examiner, e.g., to page 23, line 11-page 24, line 12, which explains an embodiment of aspects of claim 58. Accordingly, Applicants respectfully maintain that the rejection of claim 58, and all claims dependent thereon be withdrawn.

Rejections Under 35 U.S.C § 102

Claims 2-4, 6-11, 25-32, and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,148 to Calvignac et al. Regarding claim 2, Applicants respectfully maintain that Calvignac fails to teach or suggest

requesters supplying respective requester priority indications to at least the one resource,

as recited by claim 2. Calvignac teaches an “arbiter for arbitrating requests by a plurality of first data processing units for access to a plurality of second data processing units interconnected by a switching system of a type in which at any time each first unit can only access one second unit and each second unit can only be accessed by one first unit.” (Col. 2, lines 21-26) Calvignac fails to teach that the requesters supply respective requester priority indications to at least the one resource. The Office Action mailed April 29, 2004 (hereinafter, the Office Action) refers to Figures 1, 3, and 5 of Calvignac to teach that the requesters supply respective requester priority indications to at least the one resource, relying on the input adapters of Calvignac sending requests to the arbiter, “thus they are providing requester priority indications.” Although these portions of Calvignac teach information used to determine priority being provided to the arbiter, Calvignac fails to teach or suggest that the requesters supply respective requester priority indications to the resource, as required by claim 2. Thus, Calvignac, alone or in combination with other references of record, fails to teach or suggest the limitations recited in claim 2. Accordingly, Applicants respectfully request that the rejection of claim 2 and all claims dependent thereon, be withdrawn.

Rejections Under 35 U.S.C § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of Cooper. Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac in view of Davis and further in view of Rehwald. Applicants respectfully maintain that these claims depend from allowable claims and are allowable for at least this reason.

Allowable Subject Matter

Applicants appreciate the indication of allowable subject matter in claims 12-15, 17-24, 35, 37-49, and 51-60. Applicants have addressed the rejection of these claims under 35 U.S.C. § 112, above and believe that these claims are in condition for allowance.

Claims 39 and 60 have been amended to correct typographical errors.

New claim 61 has been added. This claim finds support at least on pages 6 and 7 of the specification.

In summary, claims 2-15, 17-35, 37-49 and 51-61 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

<p><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></p> <p>I hereby certify that, on the date shown below, this correspondence is being</p> <p><input type="checkbox"/> deposited with the US Postal Service with sufficient postage as first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><input type="checkbox"/> facsimile transmitted to the US Patent and Trademark Office.</p> <p>_____ Date</p>
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Respectfully submitted,



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